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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,458	10/11/2001	Gordon T. Brown	47781-6 9828	
7590 02/08/2005		EXAMINER		
Alan G. Towner			CHARLES, DEBRA F	
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One Oxford Centre, 38th Floor			ART UNIT	PAPER NUMBER
301 Grant Street			3624	
Pittsburgh, PA	15219		DATE MAILED: 02/08/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)					
2	Office Action Summers	09/975,458	BROWN, ĠQRDON T.					
`	Office Action Summary	Examiner	Art Unit					
	TI 1111 110 DATE (1)	Debra F. Charles	3628					
Peri	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Stat	us							
28	Responsive to communication(s) filed on Octobal This action is <b>FINAL</b> . 2b) This Since this application is in condition for allowant closed in accordance with the practice under E	action is non-final.  nce except for formal matters, pro		e merits is				
Disp	osition of Claims							
5 7	Claim(s) <u>28-70</u> is/are pending in the application 4a) Of the above claim(s) is/are withdraw  Claim(s) is/are allowed.  Claim(s) <u>28-70</u> is/are rejected.  Claim(s) is/are objected to.  Claim(s) are subject to restriction and/or	vn from consideration.						
Арр	lication Papers							
10	P) The specification is objected to by the Examiner D) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the or Replacement drawing sheet(s) including the correction The oath or declaration is objected to by the Examiner	epted or b) objected to by the formula of the following (s) be held in abeyance. See the formula of the drawing (s) is object to be seen that the drawing (s) is object to be seen to be seen that the drawing (s) is object to be seen that the	e 37 CFR 1.85(a). jected to. See 37 Cl	• •				
Prio	rity under 35 U.S.C. § 119							
	2) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priori application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Applicati ity documents have been receive (PCT Rule 17.2(a)).	on No ed in this National	Stage				
1) [] 2) [] 3) [3]	Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 11/2/2004.	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate	D-152)				

Application/Control Number: 09/975,458 Page 2

Art Unit: 3624

### Response to Amendment

1. Claims

28,30,35,37,38,39,40,41,42,45,51,53,55,57,59,61,63,65,67,69, and 70 have been amended.

### Response to Arguments

- 2. Applicant's arguments filed October 29, 2004 have been fully considered but they are not persuasive. As per the 101 rejection, technology must be incorporated within the claims and be an inherent part of the invention such that the invention can not operate without technology. The examiner recommends the attorney incorporate technology terms that clearly indicate the invention can not operate without the technology because the patent can not be issued on an abstract idea.
- 3.The examiner understands the attorney has changed the claims to overcome the prior art disclosed via the Appeals Board decision of August 15, 2001, but the examiner has located other prior art missed in the previous application 08313988 review. Specifically, the examiner has located an accounting information systems textbook (Cushing, Barry E. et al. *Accounting Information Systems: A Comprehensive Approach*, 1990,

Addison-Wesley Publishing Company, 5<sup>th</sup> Edition) that reflects the applicant's invention and was published in 1990 prior to the applicant's priority date.

- 4. The examiner does not find any distinction between the term "entity" and "user" in the specification and therefore construes the terms to mean the same thing and to be interchangeable.
- 5.Cushing et al. and the combined references do teach the provision or production of accounting statements for a plurality of users who have conducted separate financial transactions (see chapter 20 The Finance Cycle, esp. page 800 fig. 20.7).

The applied references do teach the provision of transaction codes, including standardized codes representing financial transaction information, and producing an accounting statement for each user derived from the financial transaction information including income, expense, asset and/or liability for each user (see page 13, i.e. classifying data which involves assigning identification codes (account number, department number, etc.) to data records based on a predetermined system, such as a chart of accounts, page 74-83, i.e. coding techniques; And all of chapter 8, File and

Page 4

Data Base Approaches to Data Storage, page 800 in chapter 20, The Finance Cycle, esp. Fig. 20.7 which shows a balance sheet and income statements as systems outputs. Balance sheet and income statements inherently display income, expense, asset and or liability since this is the classic old and well-known format to display financial data in Generally Accepted Accounting Practice(GAAP)).

The applied references do teach the transmission of a record of transactions and transaction codes via an open network to at least one file( see page 13, i.e. transmitting data from one location to another, All of chapter 7 Data Communications and Advanced Systems, esp. page 207, 222 a standard network architecture is an open network(standardized protocols) and Fig. 7.22, i.e. with EDI, EDI is inherently an open network. It is well-known that an open network refers to standardized network protocols.).

The applied references do teach transferring data between one entity and another entity on an open communications network(see all of chapter 7 and 8).

### Claim Rejections - 35 USC § 101

Page 5

#### 6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 28-70 are rejected under 35 U.S.C. 101 because the bodies of the claims do not recite technology, i.e. computer implementation or any other technology in a non-trivial manner. *In re Toma*, 197 USPQ 852 (CCPA 1978). *Ex parte Bowman* 61 USPQ2D 1669.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

1) The claimed invention must produce a "useful, concrete, tangible result" (In re Alappat, 31USPQ2d 1545, 1558 (Fed. Cir. 1994) and State Street vs. Financial Signature Group Inc., 47 USPQ2d 1596' 1601-02 (Fed Cir. 1998));

#### **AND**

2) The claimed invention must utilize technology in a non-trivial manner (*Ex parte Bowman*, 61 USPQ2d 1665, 1671 (Bd. Pat. Pat. App. & Inter. 2001)).

As to the technology requirement, note MPEP 2106 IV B 2(b). Also note In *re Waldbaum*, 173USPQ 430 (CCPA 1972) which teaches "useful arts" is synonymous with "technological arts". In *Musgrave*, 167USPQ 280 (CCPA 1970), In re Johnston, 183USPQ 172 (CCPA 1974), and In *re Toma*, 197USPQ 852 (CCPA 1978), all teach a technological requirement.

In State Street, "in the technological arts" was never an issue. The invention in the body of the claim must recite technology. If the invention in the body of the claim is not tied to technological art, environment, or machine, the claim is not statutory. *Ex parte Bowman* 61USPQ2d 1665,1671 (BD. Pat. App. & Inter.2001)(Unpublished).

Application/Control Number: 09/975,458 Page 6

Art Unit: 3624

## Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 28,32,39,40,51,55, and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Barry E. Cushing and Marshall B. Romney, *Accounting Information Systems: A Comprehensive Approach*, 5<sup>th</sup> ed. 1990(hereinafter referred to as Cushing et al).

Re claims 28, 51, 55 and 59: Cushing et al. disclose a method, computer readable medium and apparatus of providing financial accounting statements for a plurality of users(page 6, i.e. under the heading The Role of the Accounting Information System, page 269 where the paragraph starts with the word "users"), comprising:

providing transaction codes, including standardized codes representing financial transaction information(page 13, i.e. classifying data which involves assigning identification codes (account number, department number, etc.) to data records based on a predetermined system, such as a chart of accounts, page 74-83, i.e. coding techniques);

each of the users conducting with a plurality of other entities separate financial transactions(page 20, i.e. a typical business entity will engage in a large volume of transactions, which may be greatly varied.);

associating at least one of the transaction codes at about the time when funds are transferred or instructions are given for transfer to complete each financial transaction(Pages 62-63, i.e. transaction data captured in machine-readable form at their time and place of origin. And transactions may be classified into four general types, Fig. 3.1, page 65, Fig. 3.3, i.e. transaction file has account number associated with the transaction, page 77-83, i.e. block coding is usually applied to the major account codes and often to the divisional and departmental codes as well);

transmitting a record of each transaction and the at least one transaction code via an open network to at least one file(page 13, i.e. transmitting data from one location to another, All of chapter 7 Data Communications and Advanced Systems, esp. page 207, 222 a standard network architecture is an open network(standardized protocols) and Fig. 7.22, i.e. with EDI, EDI is inherently an open network. It is well-known that an open network refers to standardized network protocols.); and

sorting the transactions in the at least one file and producing an accounting statement for each user derived from the financial transaction information including income, expense, asset and/or liability information for each user(page 13, i.e. sorting data, which involves arranging a batch of input records into some desired numerical or alphabetical sequence, and pages 22-23, i.e. preparation of financial information, and all of chapter 8, File and Data Base Approaches to Data Storage, page 800 in chapter 20, The Finance Cycle, esp. Fig. 20.7 which shows a balance sheet and income statements as systems outputs. Balance sheet and income statements inherently display income, expense, asset and or liability since this is the

classic old and well-known format to display financial data in Generally Accepted Accounting Practice(GAAP)).

Re Claim 32: Cushing et al. disclose the standardized codes comprise financial transaction codes(page 13, i.e. classifying data which involves assigning identification codes (account number, department number, etc.) to data records based on a predetermined system, such as a chart of accounts).

Re Claim 39: Cushing et al. disclose providing a subsidiary ledger for each of said other entities(page 20, under Purchasing of Assets and Services, the ledgers inventory, fixed asset, expenses and accounts payable are all subsidiary ledgers, page 24, detailed ledgers are subsidiary ledgers); and transferring selected subsidiary ledgers from said other entities to said at least one file(page 13, i.e. transmitting data from one location to another, Fig. 7.22, i.e. with EDI, page 257 under the paragraph that starts with "Similar records are grouped together to form a file (or data set).").

Application/Control Number: 09/975,458 Page 10

Art Unit: 3624

Re Claim 40: Cushing et al. disclose providing access to said subsidiary ledger for said users and/or agents of said users, whereby said users and/or agents can perform one or more activities selected from the group consisting of entering, deleting, reviewing, adjusting and processing said data inputs in said selected subsidiary ledgers(page 13-14, under the data preparation stage and the following paragraphs, lists various data processing functions, all of chapter 8 Data Base and File-Oriented Systems, esp. page 259, where the text starts with "... the data and the application programs . . . The person responsible for creating, updating, maintaining and controlling the data base is the data base administrator (DBA), and page 266 where it reads "The data manipulation language (DML) is used to update, replace, store, retrieve, insert, delete, sort, and otherwise manipulate the records and data items." These are de facto data processing functions. And page 267, where it reads "The functions of a DBMS may be divided into three board categories: creation, maintenance. and interrogation." These are also de facto data processing functions. ).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.Claims 29, 30, 31, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45,47, 52,53,54, 56, 57, 58, 60, 61, 62, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cushing et al. and Braun et al.(U.S.PAT. 4321672A).

Cushing et al. disclose(s) the claimed invention except the separate financial transactions include the transfer of funds and the instructions for transfer of funds; at least one transaction code is selected by at least one of the users; at least one transaction code is selected by at least one of the other entities; the transmission of the record of each transaction and at least one transaction code is initiated at about the time when funds are transferred or instructions are given for the transfer of funds; the transaction codes are provided from a menu; entering into said file

information regarding at least one of the users; said information includes beginning balances for income, expenses, assets, liabilities and/or bank accounts; entering into said file coding information appropriate to at least one of the users; providing a funds transfer facility to facilitate transfer of funds to and from said first entity and said other entities; and employing said funds transfer facility to receive an instruction to transfer funds; transferring funds from said at least one of said users to said other entities based on said instruction; employing said funds transfer facility to transmit data related to said transfer of funds; and employing said funds transfer facility to adjust current records; and a first computer having at least one file from which an accounting statement may be generated; a second computer for receiving data inputs, said data inputs including electronically recorded financial transaction information made between said first entity and a second entity; an open communication network for transferring said data inputs from said second computer to said file of said first computer.

However, in Abstract, Fig. 4, col. 2, lines 25-67, col. 3, lines 25-67, col. 4, lines 35-60 thereof, Braun et al. disclose(s) electronic funds transfer from a

plurality of terminals with wire instructions(authorization message and reference number); transaction codes selected by various entities, and transmitting a record of the transaction(parallel documented audit trail); and the transaction codes are provided from a menu in Fig. 4; in addition to transfers of data, funds and financial statements from one entity to another entity.

It would be obvious to one of ordinary skill in the art to modify the invention of Cushing et al. based on the teachings of Braun et al. The motivation to combine these Cushing et al. and Braun et al. references is to electronically send funds from one point to another so that the transaction can be performed efficiently in the financial institution. It should be noted that sending electronic funds with instructions is old and well-known in the automated clearing house art. It would be obvious to send instructions to identify the source of funds, bank, and what the funds represent(interest on a bond, dividends on a stock, etc.).

Re Claim 45: Cushing et al. disclose a means for performing two or more activities selected from the group consisting of entering, deleting, reviewing, adjusting and processing said data inputs, and producing said

accounting statement derived from the financial transaction information including income, expense, asset and/or liability information for the first entity(page 13, i.e. sorting data, which involves arranging a batch of input records into some desired numerical or alphabetical sequence, and pages 22-23, i.e. preparation of financial information, and all of chapter 7 Data Communications and Advanced Systems, all of chapter 8, File and Data Base Approaches to Data Storage, page 800 in chapter 20. The Finance Cycle, esp. Fig. 20.7 which shows a balance sheet and income statements as systems outputs. Balance sheet and income statements inherently display income, expense, asset and or liability since this is the classic old and well-known format to display financial data in Generally Accepted Accounting Practice (GAAP). The means is provided via the communications network and database).

11.Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cushing et al. and Sloan et al.(U.S.PAT. 5146067A).

Cushing et al. disclose(s) the claimed invention except said users and/or agents of users a passcodes to permit access to said at least one file.

However, in the Abstract, col. 7, lines 55-col. 8, line 67, col. 9, lines 30-50,

col. 10, lines 30-60,col. 18, lines 1-25,col. 19, lines 15-40 thereof, Sloan et al. disclose(s) password access to computer files. It would be obvious to one of ordinary skill in the art to modify the invention of Cushing et al. based on the teachings of Sloan et al. The motivation to combine these Cushing et al. and Sloan et al. references is to enhance the security of the accounting computer system by limiting access to authorized individuals.

12.Claims 46,48,49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cushing et al. and Braun et al. as applied to claim 45 above, and further in view of Marks (U.S. PAT. 5117356A).

Re Claims 46,49, and 50: Cushing et al. and Braun et al. disclose(s) the claimed invention except a first said file in said first computer for receiving accrual accounting data inputs; and a second said file in said first computer for receiving cash accounting data inputs; And first and second computer is a personal computer. However, in the Abstract, Figs. 1, item 14, col. 2, lines 45-60, col. 3, lines 55-67,col. 13, lines 20-50 thereof, Marks disclose(s) computers receiving cash and accrual based accounting data from a PC. It would be obvious to one of ordinary skill in the art to modify the

Application/Control Number: 09/975,458

Art Unit: 3624

invention of Cushing et al. and Braun et al. based on the teachings of Marks. The motivation to combine these references is enhancing the system of Cushing et al. and Braun et al. to reflect cash and accrual accounting techniques automated using a PC.

Re Claim 48: Cushing et al. disclose said second computer comprises means for electronically recording, collecting, processing, storing and transmitting said financial transactions(page 13-14, under the data preparation stage and the following paragraphs, lists various data processing functions and page 13, i.e. sorting data, which involves arranging a batch of input records into some desired numerical or alphabetical sequence, and pages 22-23, i.e. preparation of financial information, and all of chapter 7 Data Communications and Advanced Systems, all of chapter 8, File and Data Base Approaches to Data Storage. page 800 in chapter 20, The Finance Cycle, esp. Fig. 20.7 which shows a balance sheet and income statements as systems outputs. Balance sheet and income statements inherently display income, expense, asset and or liability since this is the classic old and well-known format to display financial data in Generally Accepted Accounting Practice(GAAP). The means is provided via the communications network and database).

13.Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cushing et al. as and Matsushita et al.(U.S. PAT. 4837556A).

Page 17

Cushing et al. disclose(s) the claimed invention as per claims 28,32,39,40, 51,55, and 59 as above except data signal embodied in a carrier wave. However, in col. 21, lines 5-25 and col. 22, lines 1-45 thereof, Matsushita et al. discloses a signal transmission device using carrier waves which is well known in the art. It would be obvious to one of ordinary skill in the art to modify the invention of Cushing et al. based on the teachings of Matsushita et al. The motivation to combine these references is to provide a means for data transmission that effectively transfers into computer technology.

14. Claims 64,65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cushing et al. and Matsushita et al. as applied to claim 63 above, and further in view of Braun et al.

Cushing et al. and Matsushita et al. disclose(s) the claimed invention except wherein the separate financial transactions include the transfer of funds and the instructions for transfer of funds; at least one transaction

code is selected by at least one of the users; and wherein the standardized codes comprise financial transaction codes.

However, in Abstract, Fig. 4, col. 2, lines 25-67, col. 3, lines 25-67, col. 4, lines 35-60 thereof, Braun et al. disclose(s) electronic funds transfer from a plurality of terminals with wire instructions(authorization message and reference number); transaction codes selected by various entities, and transmitting a record of the transaction(parallel documented audit trail); and the transaction codes are provided from a menu in Fig. 4; in addition to transfers of data, funds and financial statements from one entity to another entity. It would be obvious to one of ordinary skill in the art to modify the invention of Cushing et al. and Matsushita et al. based on the teachings of Braun et al. The motivation to combine these Cushing et al., Matsushita et al. and Braun et al. references is to electronically send funds from one point to another so that the transaction can be performed efficiently in the financial institution. It should be noted that sending electronic funds with instructions is old and well-known in the automated clearing house art. It would be obvious to send instructions to identify the source of funds, bank, and what the funds represent(interest on a bond, dividends on a stock, etc.).

15.Claim 67, 68 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cushing et al. and Braun et al.

Cushing et al. disclose(s) the claimed invention except providing a second computer for receiving data inputs, said data inputs including electronically recorded financial transaction information made between said first entity and a second entity; And further including transferring funds from said first entity to said second entity.

However, in Abstract, Fig. 4, col. 2, lines 25-67, col. 3, lines 25-67, col. 4, lines 35-60 thereof, Braun et al. disclose(s) electronic funds transfer from a plurality of terminals(first and second entities) with wire instructions(authorization message and reference number); transaction codes selected by various entities, and transmitting a record of the transaction(parallel documented audit trail); and the transaction codes are provided from a menu in Fig. 4; in addition to transfers of data, funds and financial statements from one entity to another entity.

a bond, dividends on a stock, etc.).

It would be obvious to one of ordinary skill in the art to modify the invention of Cushing et al. based on the teachings of Braun et al. The motivation to combine these Cushing et al. and Braun et al. references is to electronically send funds from one point to another so that the transaction can be performed efficiently in the financial institution. It should be noted that sending electronic funds with instructions is old and well-known in the automated clearing house art. It would be obvious to send instructions to identify the source of funds, bank, and what the funds represent(interest on

Page 20

16.Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cushing et al., Matsushita et al. and Braun et al.

Cushing et al. disclose(s) the claimed invention as per claims 28,32,39,40, 51,55, and 59 as above except data signal embodied in a carrier wave. However, in col. 21, lines 5-25 and col. 22, lines 1-45 thereof, Matsushita et al. discloses a signal transmission device using carrier waves which is well known in the art. It would be obvious to one of ordinary skill in the art to modify the invention of Cushing et al. based on the teachings of Matsushita

et al. The motivation to combine these references is to provide a means for data transmission that effectively transfers into computer technology.

Cushing et al. and Matsushita et al. disclose(s) the claimed invention except providing a second computer for receiving data inputs, said data inputs including electronically recorded financial transaction information made between said first entity and a second entity; And further including transferring funds from said first entity to said second entity.

However, in Abstract, Fig. 4, col. 2, lines 25-67, col. 3, lines 25-67, col. 4, lines 35-60 thereof, Braun et al. disclose(s) electronic funds transfer from a plurality of terminals(first and second entities) with wire instructions(authorization message and reference number); transaction codes selected by various entities, and transmitting a record of the transaction(parallel documented audit trail); and the transaction codes are provided from a menu in Fig. 4; in addition to transfers of data, funds and financial statements from one entity to another entity.

It would be obvious to one of ordinary skill in the art to modify the invention of Cushing et al. and Matsushita et al. based on the teachings of Braun et al. The motivation to combine these Cushing et al., Matsushita et al. and Braun et al. references is to electronically send funds from one point to another so that the transaction can be performed efficiently in the financial institution. It should be noted that sending electronic funds with instructions is old and well-known in the automated clearing house art. It would be obvious to send instructions to identify the source of funds, bank, and what the funds represent(interest on a bond, dividends on a stock, etc.).

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the

mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the date of this final

action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5

Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/975,458

Art Unit: 3624

Page 24

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vines Melle

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